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PATENT  
ATTORNEY DOCKET NO. 44574-5040-01-US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	)	
Patrick C. KUNG <i>et al.</i>	)	
	)	
Application No.: Unassigned	)	Group Art Unit: Unassigned
	)	
Filed: January 10, 2002	)	Examiner: Unassigned
	)	
For: PHYTOMICS: A GENOMIC-BASED	)	
APPROACH TO HERBAL	)	
COMPOSITIONS	)	

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. § 1.97(b)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Supplemental Information Disclosure Statement is being filed on even date with the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

Copies of the listed documents are attached. Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If it should be determined that any of the listed documents do not

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constitute "prior art" under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

**Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. §1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:

  
F. Pierre VanderVegt, Ph.D.

Reg. No. 49,088

Dated: January 10, 2002

**Customer No. 009629**

**MORGAN, LEWIS & BOCKIUS LLP**

1800 M Street, N.W.

Washington, D.C. 20036-5869

(202) 467-7039

(202) 467-7176 - fax

<b>INFORMATION DISCLOSURE CITATION</b>				Attorney Docket No. 44574-5040-01-US		Application No. 10/030433 unassigned	
(Use several sheets if necessary)				Applicants: Patrick C. KUNG <i>et al</i>		PAGE 1 of 1	
PTO Form 1449				Filing Date: January 10, 2002		Group Art Unit: unassigned	
<b>U.S. PATENT DOCUMENTS</b>							
Examiner Initial		Document Number	Date	Name	Class	Sub Class	Filing Date
		6,023,659	2/8/2000	Seilhamer <i>et al.</i>	702	19	
		6,287,768	9/11/2001	Chenchik <i>et al.</i>	435	6	
<b>FOREIGN PATENT DOCUMENTS</b>							
		Document Number	Date	Country	Class	Sub Class	Translation YES NO
	✓	WO 97 06277	2/20/1997	PCT			
	✓	WO 97 13877	4/17/1997	PCT			
	✓	WO 98 06874	2/19/1998	PCT			
	✓	WO 00 03725	1/27/2000	PCT			
	✓	WO 00 47992	8/17/2000	PCT			
<b>OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)</b>							
	✓	Chang, CP <i>et al.</i> The effect of Chinese medicinal herb Zingiberis rhizoma extract on cytokine secretion by human peripheral blood mononuclear cells. J Ethnopharmacol. 1995 Aug 11;48(1):13-19.					
	✓	Chang, JY <i>et al.</i> The effect of "chi-han (hot nature)" Chinese herbs on the secretion of IL-1 beta and TNF-alpha by mononuclear cells. Kaohsiung J Med Sci. 1996 Jan; 12(1):18-24.					
	✓	DiPaola, RS <i>et al.</i> Clinical and biologic activity of an estrogenic herbal combination (PC-SPES) in prostate cancer. N Engl J Med. 1998 Sep 17; 339(12):785-791.					
	✓	Gray, NS <i>et al.</i> Exploiting chemical libraries, structure, and genomics in the search for kinase inhibitors. Science. 1998 Jul 24;281(5376):533-538.					
	✓	Hiai, S <i>et al.</i> Stimulation of pituitary-adrenocortical system by ginseng saponin. Endocrinologica Japonica. 1979 Dec; 26(6):661-665.					
	✓	Kim, KH <i>et al.</i> Acidic polysaccharide from Panax ginseng, ginsan, induces Th1 cell and macrophage cytokines and generates LAK cells in synergy with rIL-2. Planta Medica. 1998 Mar; 64(2):110-115.					
	✓	Ko, RJ. Adulterants in Asian patent medicines. N Engl J Med. 1998 Sep 17; 339(12):847.					
	✓	Kuo, YC <i>et al.</i> Chinese herbs as modulators of human mesangial cell proliferation: preliminary studies. J Lab Clin Med. 1998 Jul; 132(1):76-85.					
	✓	Salim, KN <i>et al.</i> Ginsenoside Rb1 regulates ChAT, NGF and trkA mRNA expression in the rat brain. Mol Brain Res. 1997 Jul; 47(1-2):177-182.					
	✓	Sonoda, Y <i>et al.</i> Stimulation of interleukin-8 production by acidic polysaccharides from the root of Panax ginseng. Immunopharmacology. 1998 Jan; 38(3):287-294.					
	✓	Yamamoto, M <i>et al.</i> Stimulatory effect of Panax ginseng principles on DNA, RNA, protein and lipid synthesis in rat bone marrow. Arzneimittel-Forschung. 1977; 27(6):1169-1173.					
	✓	Yamamoto, M <i>et al.</i> Plasma lipid-lowering and lipogenesis-stimulating actions of ginseng saponins in tumor-bearing rats. Am J Chin Med. 1983; 11(1-4):88-95.					
	✓	Yu, SJ <i>et al.</i> Fu-Ling, a Chinese herbal drug, modulates cytokine secretion by human peripheral blood monocytes. Int J Immunopharmacol. 1996 Jan; 18(1):37-44.					
		International Search Report for PCT/US99/24851. Date completed March 24, 2000.					
Examiner				Date Considered			
Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							